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UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

SYED WAJAHAT HUSSAIN,
 Plaintiff,

v.

MICHAEL CHERTOFF, Secretary of the
 Department of Homeland Security;
 ROBERT S. MUELLER,
 Director of Federal Bureau of Investigation;
 Defendants.

No. C 08-0946 MEJ

**JOINT CASE MANAGEMENT
 CONFERENCE STATEMENT; and
 [PROPOSED] ORDER**

1. Jurisdiction and Service

The basis asserted by plaintiff for this Court's jurisdiction is 8 U.S.C. § 1447(b). The parties do not dispute that venue is proper in this district. No issues exist regarding personal jurisdiction or venue, and no parties remain to be served.

2. Facts

The plaintiff is a lawful permanent resident of the United States who filed an application for naturalization with USCIS on May 6, 2005. The USCIS has not yet adjudicated plaintiff's naturalization application.

3. Legal Issues

Whether this Court may compel the USCIS to adjudicate a naturalization case prior to a full

1 criminal background check has been completed.

2 **4. Motions**

3 The Plaintiff filed his motion for remand, and Defendants will respond by May 23, 2008.
4 Plaintiff's motion is set for a hearing on June 19, 2008 at 10:00 a.m.

5 **5. Amendment of Pleadings**

6 No parties, claims or defenses are expected to be added or dismissed.

7 **6. Evidence Preservation**

8 The parties do not have any evidence that falls within this category.

9 **7. Disclosures**

10 The parties believe that the initial disclosure requirements of Fed. R. Civ. P. 26 do not apply to
11 this case.

12 **8. Discovery**

13 The parties do not intend to take any discovery in this case at this time.

14 **9. Class Actions**

15 N/A

16 **10. Related Cases**

17 The parties are not aware of any related case or cases.

18 **11. Relief**

19 The Plaintiff asks this Court to direct Defendants to adjudicate his application for
20 naturalization.

21 **12. Settlement and ADR**

22 The Court granted the parties' request to be exempt from the formal ADR process on May 1,
23 2008.

24 **13. Consent to Magistrate Judge for All Purposes**

25 The parties consent to the assignment of this case to a magistrate judge.

26 **14. Other References:**

27 The parties do not believe that this case is suitable for reference to binding arbitration, a
28 special master, or the Judicial Panel on Multidistrict Litigation.

15. Narrowing of Issues

The parties do not believe that the issues can be narrowed by agreement or by motion, and do not have suggestions to expedite the presentation of evidence at trial (e.g., through summaries or stipulated facts), and any request to bifurcate issues, claims or defenses.

16. Expedited Schedule

The parties' believe this case can be resolved on the motion for remand as the only dispute is over what the Court's instructions on remand would be.

17. Scheduling

If necessary, the parties will propose an evidentiary hearing date after the Court makes a ruling on Plaintiff's motion for remand.

18. Trial

The parties believe this matter can be resolved through motions. Should the Court retain jurisdiction under 8 U.S.C. § 1447(b), the parties will request an evidentiary hearing date.

19. Disclosure of Non-Party Interested Entities or Persons:

The Plaintiff intends to file the "Certification of Interested Entities or Persons" required by Civil Local Rule 3-16.

20. Such other matters as may facilitate the just, speedy and inexpensive disposition of this matter

None.

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1 Dated: May 15, 2008

Respectfully submitted,

2 JOSEPH P. RUSSONIELLO
3 United States Attorney

4 /s/
5 ILA C. DEISS¹
6 Assistant United States Attorney
7 Attorneys for Defendants

8 Dated: May 14, 2008

9 /s/
10 JUSTIN X. WANG
11 Attorney for Plaintiff

12 **CASE MANAGEMENT ORDER**

13 The Joint Case Management Statement and Proposed Order are hereby adopted by the
14 Court as the Case Management Order for the case, and the parties are ordered to comply with this
15 Order. The May 22, 2008 CMC is VACATED.

16 Dated: May 15, 2008

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18 MARIA ELENA JAMES
19 United States Magistrate Judge

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27 ¹ I, Ila Deiss, hereby attest that I have on file all holograph signatures for any signatures
28 indicated by a "conformed" signature (/S/) within this e-filed document.